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U.S. Department of Homeland Security  
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Washington, DC 20529



**U.S. Citizenship  
and Immigration  
Services**

FILE: [REDACTED] Office: NEWARK, NJ

Date: MAY 24 2004

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Certificate of Citizenship pursuant to Section 320 of the Immigration and Nationality Act; 8 U.S.C. § 1431.

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

**INSTRUCTIONS:**

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the District Director, Newark, New Jersey, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant was born on April 11, 1986, in Singapore and that she is a citizen of Malaysia. The applicant's father, [REDACTED] was born in Malaysia on May 5, 1958. The applicant's mother [REDACTED] was born in Malaysia on April 13, 1958. Both of the applicant's parents became naturalized U.S. citizens on July 29, 2002. The record reflects that the applicant's parents married in Singapore in 1982, and that the applicant was admitted into the United States on June 9, 1995, as a lawful permanent resident. The applicant seeks a certificate of citizenship pursuant to section 320 of the Act; 8 U.S.C. § 1431.

The district director found that the applicant was statutorily ineligible for a certificate of citizenship under section 320 of the Act because her parents were not U.S. citizens at the time that her N-600, Application for Certificate of Citizenship (N-600 application) was filed. The application was denied accordingly.

On appeal, the applicant, through her father, indicates that she qualifies for a certificate of citizenship under section 320 of the Act.

Section 320 of the Act permits a child born outside of the U.S. to automatically become a citizen of the United States upon fulfillment of the following conditions:

- (1) **At least one parent of the child is a citizen of the United States**, whether by birth or naturalization.
- (2) The child is under the age of eighteen years.
- (3) The child is residing in the United States in the legal and physical custody of the **citizen parent** pursuant to a lawful admission for permanent residence.

(Emphasis added). 8 C.F.R. § 320.3 states, in pertinent part:

- (a) [A]n application for a certificate of citizenship under this section on behalf of a minor biological child shall be submitted on Form N-600, Application for Certificate of Citizenship, by the **U.S. citizen parent(s)**.

....

- (b)(1) [A]n applicant must submit the following required documents unless such documents are already contained in the Service administrative file(s):

...

- (iv) **Evidence of U.S. citizenship of parent**, (i.e., birth certificate; naturalization certificate; FS-240, Report of Birth Abroad; a valid unexpired U.S. passport; or certificate of citizenship).

(Emphasis added). In the present case, the record reflects that the applicant's N-600, Certificate of Citizenship application was filed on February 27, 2001. Neither the applicant's father, nor her mother was a

U.S. citizen when the applicant's N-600 application was filed, and the record reflects that the applicant's parents did not become naturalized U.S. citizens until more than a year later, on July 29, 2002. The applicant was therefore statutorily ineligible for automatic citizenship under section 320 of the Act. The appeal will be dismissed accordingly.<sup>1</sup>

**ORDER:** The appeal is dismissed.

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<sup>1</sup> The AAO notes that the present decision is without prejudice to the applicant's filing a new N-600 application, once all of the statutory requirements set forth in section 320 of the Act have been met.